

REMARKS

In response to the Office Action, claim 1 has been amended to delete “and/or agitated with mechanical stirring.” Thus the claimed process is now directed to an improvement in a process for the polymerization or copolymerization of olefins in the gas phase in a fluidized bed reactor.

In the Office Action, the Examiner continued to reject claims 1-9 and 11-16 under 35 U.S.C. §103(a) for being obvious over Wirth in view of Durand.

Applicants still believe the claimed invention is not obvious over the cited combination of references for all of the reasons set forth in the Reply filed March 17, 2008 as supported by Mr. Bell's Declaration, and they are, therefore, not repeated in this Reply. Rather, Applicants will confine their remarks to the issues raised by the Examiner in Section 5 of the Office Action beginning on page 5.

In the first paragraph of this Section, the Examiner maintains that the claims as written do not exclude an alkane in liquid form. However, Applicants respectfully disagree as explained in the previous Reply. As noted there, claim 1 recites that the partial pressure of the alkane used in the cleaning treatment “is between 25 and 95% of the saturated vapor pressure of the alkane under the temperature and pressure treatment conditions” as confirmed in Mr. Bells' Declaration in paragraph 12, “Under these conditions no liquid phase of the alkane can be present” (Emphasis added). Thus it is clear that in view of the claim's limitations, alkane in liquid form cannot be present and, therefore, it is necessarily excluded. A claim does not necessarily need to state that something is excluded to be excluded. If by the claim's limitations it is necessarily excluded, then it is excluded.

With respect to paragraphs 2 and 3 of Section 5 of the Office Action, Applicants do not agree that claim 1 did not exclude “a polymerization involving a gas and a liquid” because it was limited to polymerization in “the gas phase,” even though it did include the phrase “agitated with mechanical stirring.” Nevertheless, this phrase has now been deleted from claim 1, so this issue is now moot.

Regarding paragraph 4 of Section 5, the Examiner argues that even though it is not practical to use a liquid to rinse a gas phase reactor, that such comparative data is still required. However, Mr. Bell in paragraph 14 of this Declaration clearly states that it is, in fact, “not possible” to provide such comparative data. Rather, Mr. Bell in his Declaration provided the correct comparative data between a polymerization process in a gas phase fluidized reactor where a prior cleaning treatment with an alkane was used under the conditions claimed with a process that did not.

Finally, regarding the last paragraph, it is the Examiner that is arguing that the difference “between the claimed invention and Wirth” is the pressurization of [the] reactor” for preparing the reactor for the polymerization process, not Applicants. Rather, as set forth in the claims and as previously argued, it is the step of subsequently depressurizing and purging the reactor of the alkane after pressurization to provide in effect a cleaning treatment prior to polymerization. In Mr. Bell’s Declaration in the comparative and invention examples (paragraphs 18 and 19), both initially pressurized the reactor with pentane. The difference is that in the comparative example, “no depressurization was carried out after the introduction of pentane prior to the introduction of catalyst” as was done in the invention example, but rather the pressure was increased to “reaction pressure.” The Examiner misses the actual critical

difference by characterizing Applicants' invention in this way, because as noted it is the step of not only initially pressurizing the reactor with the alkane present, but subsequently depressurizing and purging the reactor of the alkane, before the catalyst is introduced and the pressure increased to reaction pressure.

Withdrawal of the rejection of claims 1-9 and 11-16 over Wirth in view of Durand and allowance of the claims is therefore requested.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: November 5, 2008

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